

CHAPTER 89-08-03 INSPECTIONS

Section	
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89-08-03-01. Inspections and reports during construction of high-hazard dams, medium-hazard dams, and low-hazard dams over ten feet [3.05 meters] in height. In order to protect property and assure safety, the following are conditions to all permits for high-hazard dams, medium-hazard dams, or low-hazard dams over ten feet [3.05 meters] in height:

1. An engineer must be in charge of and responsible for inspections during construction.
2. Inspections during construction must be performed at intervals necessary to ensure conformity with the construction permit and the plans and specifications.
3. Within seven days after each inspection, the engineer in charge shall submit a written report to the state engineer specifying the information obtained pursuant to the inspection. The report will specify any changes necessary under this section.

History: Effective November 1, 1989; amended effective April 1, 2004.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-16.1-38

89-08-03-02. Monitoring during construction by the state engineer. The state engineer may monitor any dam, dike, or other device during construction to ensure conformity with the construction permit and the plans and specifications.

History: Effective November 1, 1989.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-04-11

89-08-03-03. Changes in construction. If, pursuant to an inspection under section 89-08-03-01 or 89-08-03-02, the state engineer or engineer in charge determines changes in construction are necessary to ensure safety, whether the changes are necessary because the dam, dike, or other device does not comply with the construction permit or plans and specifications, or an unforeseen condition is discovered, or for any other reason, the state engineer

may order the appropriate changes and may order construction be stopped until the changes are made.

History: Effective November 1, 1989.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-04-11

89-08-03-04. Requested inspections.

1. Upon receipt of an affidavit complaining a dam, dike, or other device is unsafe because of its construction, maintenance, or operation, the state engineer shall examine the available information and determine if the complaint is justified.
2. If the state engineer determines the complaint is unjustified, the state engineer shall notify the complainant in writing of that fact. If the complainant continues to request an inspection even though the state engineer determines the complaint is unjustified, the state engineer shall make the inspection upon receiving from the complainant a certified check or cashier's check in an amount sufficient to cover the total cost of inspection.
3. If the state engineer determines the complaint is justified, the state engineer shall make the inspection upon receiving from the complainant a certified check or cashier's check in an amount sufficient to cover the total cost of inspection.
4. If the dam, dike, or other device is defective, the state engineer shall require the owner of the dam, dike, or other device to pay the cost of inspection, and upon payment shall return the amount deposited by the complainant. If the cost of inspection is not paid within thirty days by the owner of the defective dam, dike, or other device, the cost of inspection shall become a lien against any of the owner's property.
5. If the dam, dike, or other device is not found defective, any money deposited by the complainant for the inspection may not be returned.

History: Effective November 1, 1989.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-04-11, 61-03-21.1, 61-03-21.2

89-08-03-05. Periodic inspections after construction. As a condition on all construction permits, the state engineer may require inspection of a dam, dike, or other device as often as necessary after construction to protect property and assure safety.

History: Effective November 1, 1989.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-04-11, 61-16.1-38

89-08-03-06. As built plans. As a condition on all construction permits, the owner of the dam, dike, or other device will provide the state engineer with "as built" plans after the dam, dike, or other device has been constructed.

History: Effective November 1, 1989.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-16.1-38